





1000

**HOTEL, BATHS, CAFE, &c.—JAMES HOBIE**,  
being about to visit England, is prepared to receive  
orders for some of his interests in South-street. All trans-  
actions investments.

**J. S. HORIE.**  
36, Bourke-street, Melbourne.

**HOSIERY TURKISH BATHS, 24, Bourke-**  
**Melbourne Road.**—To a moderate capital, or a few  
gentlemen seeking together, this will be found a good  
speculation.

Offers for SALE, owing to the proprietor being about to  
visit England.

**J. S. HORIE, 24, Bourke-street, Melbourne.**

**WINDMILL**—on the whole of an excellent BUSINESS  
for sale, by public auction, at 12 o'clock, 7th inst.

**TO WATCHMAKERS.**—For SALE, in a flourishing  
country town, Warranted GOOD BUSINESS, doing  
very well, a year clear. Apply GILCHRIST, STURGEON,  
and WILSON.

LAW.

**SUPREME COURT.—THURSDAY, NOVEMBER 8.**  
BUTLER vs. CATLIN.  
BANCOS COGES.

Before His Honor Sir WILLIAM MANNING.  
The cause set down for trial was postponed till Monday.

JURY COMED.

Before His Honor Mr. JUSTICE PARCETT and a jury of  
four.

KERRIE V. THE TRUSTEES OF THE AUSTRALIAN  
NAVY-PEN.

Great credit is this day being done the trustees of the  
Australian Marine for depriving him of his rights and debar-  
ring him from all claims, household effects, clothes, health,

[illegible]

the sales may not return over \$1000 a year, and the rate of interest is not more than 6 per cent, and yet, if the plaintiff is right in his contention, it is lawful, with these limited means, to strip the winds of heaven of their power, and to strip the pockets of the defendants, that it will require speedy legislation to prevent such bodies from being financially ruined by such like the present.

Many cases have been cited in the argument. I have considered them carefully, but it seems to me that the majority of them are exactly in point, and that we have now to decide whether or not we will follow the law as it stands. Expressions to the effect of the cases cited in point are given, but when they are examined they are found to have no application to the case upon which we are now sitting, and we have, as I have said, to come to a decision, and act from authority.

For the common law, as we all know, counts and parol in the mother country were bound to keep their truth and bridle in regard. If they did not, they were liable to be laid aside by the breach of contract, and the injured party could sue for damages. If the plaintiff was to be punished, the sales could be made or executed, tried to compel the performance of the duty, as the law was made, and the plaintiff could sue the lender a county liable in an action for an injury to a person, by reason of the want of money of a certain amount, and the plaintiff could sue the lender a county liable in an action for an injury to a person, by reason of the want of money of a certain amount, and it was held that no action would lie in tort against the inhabitants of a county for an injury caused by the want of money of a certain amount, and the Lord Kenyon, in delivering his judgment, said: "If the experiment had succeeded, it would have had the effect of an infinity of actions, and though the law is not perfect, it is not to be supposed that it would be the plaintiff recovering, if by law he is entitled, yet it might have considerable weight in a case where it is difficult to prove, and no remedy would be given, and the plaintiff would be disappointed." And again:—"I do not say that the inhabitants of a county or hundred may not be respon-

[illegible]

which we refer to that no instance had occurred of such an action having been brought against the trustees. The principle on which the cases to which *Young v. Davis* belongs were decided, was that a surveyor was exactly in the same position as the trustee, and that the same principle applied to him, so as to enable him to be maintained against the parish, neither could he be maintained against the surveyor. The question was, whether the same principle applied to the trustee.

We have been referred to another class of cases, in which it is said that the *Murray Dockers Trust v. Gibbs* (1 J. R. 1, 11, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 8

the general law would impose upon a private person, having and exercising the same rights; and, consequently, that the defendants having provided the towing path under their own power, and having incurred the expense of its repair it, and having invited the public to use it, and when told for the use of it, they were bound to maintain it in condition to be used as a towing-path, and that the obligation was maintainable." The reversal of the judgment will be found at p. 470, where Bovill, C.J., after having stated the facts of the case, and having cited the authorities, makes the following remarks:—"Upon the true construction of the statutes in this case construed according to the public-law view, the duty of the defendants was to provide the power to repair and maintain the towing path. The Act provided that towing-path under the Act of Parliament for the use of the public; they invited the public to use it; they took a path, as they were bound to do, and







INDEX TO ADVERTISEMENTS IN TO-DAY'S

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**ADELAIDE.**

The bodies of Anna Morgan and her child have been exhumed. A coroner's inquest is being held. The evidence already taken shows that the woman's

death was caused by an attempt to procure abortion.  
The steamship *Cuzco* sailed for Melbourne at 7 o'clock this morning. Two passengers, named Crozier and Ellis, died on the passage.  
Dr. Browne is sending twenty-eight men and large quantities of sheep, cattle, and horses, to stock country on Newcastle Waters and the Katherine and Fitzmaurice Rivers.

**NEW ZEALAND.**

[BY CABLE.]  
WELLINGTON, THURSDAY.  
In the matter of the privilege question the Governor refers to the Secretary of State for the Colonies. Sir George Grey says that the Secretary of State is officially unknown to the Ministry and House.

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THE VICTORIAN NATIONAL AGRICULTURAL SOCIETY'S SHOW.

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[BY TELEGRAPH.]  
[FROM OUR SPECIAL REPORTER.]

MELBOURNE, THURSDAY.  
The weather for the second day of the national show turned out fine, and there were 3000 present, including his Excellency the Governor and, Lady Bowen, who visited the ground during the forenoon, and handed the prize cups to the winners.

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SPORTING.

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VICTORIA RACING CLUB SPRING MEETING.  
[BY TELEGRAPH.]  
[FROM OUR SPECIAL REPORTER.]  
THIRD DAY.

**MELBOURNE, THURSDAY.**  
The weather to-day was fine, and there was fair sailing on the course. A large number of horses were scratched for the race. One was started for the Oaks—  
—Ferdinand and Danvers, Savanna, Roo's, and First King were scratched for the Spring Handicap.

**HANDICAP RACE.**—A handicap sweepstakes of 7 sovereigns each, half forfeit, with 150 added. About 13 miles.

Mr. M. Griffin's b g Postman, 5 years . . . . . 1  
G. Smith's b g Villiers, aged . . . . . 2  
A. Wilson's b g Lord Harry, 6 years . . . . . 3

Starters: Postman, Alce Hawthorn, Lord Harry, Aaron, Fritz, Villiers, Karamore, Elliot, and Danvers. The first three were well matched, but Danvers gave place to Aaron, who led part the turn, with Postman and Fritz well up. Stomped was cannoned against, and three h is rider

Alon Hawthorn then went to the front, and kept the lead for about a mile, with Fritz, Killers, and Kamorah. In the last half-mile, the latter two horses came in and crossed in the last half-mile, resulting in Postman winning pretty easily by about a length. Visitors second, Lord Harry third. Time, 5 minutes 42 1/2 seconds.

**THE ROYAL PAK STAKES.**—A sweepstakes of £1000, for 3 years old and upwards, to be run at the end of the season, 2 miles.

Mr. C. B. Fisher's br. Robinson Crusoe, 4 years ..... 1  
H. Power's gr. br. Savannah, 3 years ..... 2  
W. Filgate's b. Glenomont, 4 years ..... 3

Starters: The Diver, Robinson Crusoe, Savannah, a Glenomont, Amendment, Woodlands.

The Diver, a Glenomont led, followed by Robinson Crusoe and Robinson Crusoe. Then came Woodlands, Driver, and Amendment. At the back of the course

Amendment drew up and secured third place, but at the sheaflets fell back beaten. Woodlands was also a beaten runner, but she was not so far from the front as the other two. Glenmoriston, and Robinson Crusoe, were now on a level the straight pretty well together. A fine rose house was valued Robinson Crusoe winning by three-quarters of a length. The same distance separating Savannah and Glenmoriston. The distance was 3 miles.

**FLYING STABLES.**—A sweepstakes of 5 sovereigns each with 1400 added; weight for age; 3 miles.

Mr. H. Power's bc Bowerfoot, 2 years .. .. . 1  
Peterson's ch c Warlock, 2 years .. .. . 2  
W. Kite's h Lillian, 2 years .. .. . 3

The following started:—Newminster, Tim Whistler, Waterford, Saltchey, Broomfield, Grove of Hens, Warlock, Royal Oak, Bowerfoot, Ken King, Broomfield, Fleetwing, Ethel, Willandra, Cyprian, Josephine, Cuckoo.

Royal Oak, Cyprian, Warlock, and Monarque were first  
 seen in front, and then came up about half a mile from  
 the front. The Royal Oak was the first to be seen, and  
 half a length. Emuly was second, and Salisbury fifth.  
 Time, 1 minute 10 seconds.

**SPRING HANDICAP.**—A sweepstakes of 7 owners each,  
 each horse, with filiood added. For 3 years old and  
 upwards. One mile and a quarter.

Mr. J. Tait's b. c. Strathgordon, 3 years  
 J. Cleland's b. Wolkston, aged  
 W. Gilbert's b. Talk-o'-the-Val, 4 years

**Starters:** Wolkston, Junior, Painter, Tom Kite, Talk-  
 o'-the-Val, Fisherman, Ahastan, Herchel, The King,  
 Whispers, Vincent, Bredalban, Activity, Monk,  
 The Duke, The Duke of Devon, Dravay, and  
 Strathgordon. Betting, 10 to 1 on J. Bredalban.

Strathern got the best of the start, but soon fell back, and Wellomai and Talk-o-the-Vale went to the front. Then Tom Erik with Activity made the running at the back of the course, and continued in front past the shabbers, and under the hill Strathern and Wellomai then came again, with Bravery and Monk, who were well up. Coming round the home turn Wellomai took the lead, and came in first, and then Erik, followed straight away by a bunch in front of Strathern, Talk-o-the-Vale third, Monk and Whisperer next. Time, 2 minutes and 124 seconds.

A protest was entered against Wellomai for crossing up, and the committee, after hearing evidence, considered the objection groundless.

HANDICAP FOR 4-YEAR-OLDS.—A sweepstakes of 10 sovereigns each, half for yearling, with 100 added, 2 miles.

Mr. G. W. Petty's cho. The Vagabond, 4 years .. .. 1  
C. B. Fisher's b.b The Deacon, 4 years .. .. 2  
S. Gardiner's b.b Aldinga, 4 years .. .. 2

Vagabond won easily, pulling hard all the way, and beating Deacon, Aldinga, Ralph Leigh, and Nooney. Time, 3 minutes 25 seconds.

THE OAKS.—This was won easily by Pardon. The kept well together all the round, and did not start the final, when Pardon came away. Time, 2 minutes 34 seconds.

**NEW ZEALAND.**  
(By Cable.)

Wellington, Thursday, CHRISTCHURCH PLACE, 2 miles.

Trump Card .. .. 1  
Deanebury .. .. 2

Time, 3 minutes 40 seconds.

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### THE WELLINGTON ELECTION.

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It will be several days probably before an official declaration of the poll is made. The following figures, however, have been furnished by the Returning-officer, and will no doubt be found to be accurate:—

	Shepherd.	Jennings.	W. Pines.
Wellington ..	119	180	14
Molong ..	106	95	14
Stoney Creek ..	68	46	10
Burdurong ..	23	19	10
Tambarora ..	64	17	17
Furness ..	14	0	10

Neuras ..	27	27	0
Dubbo ..	3	6	0
Hill End ..	239	36	67
Mitchell's Creek ..	40	27	0
Bathurst ..	0	11	3
Sally's Flat ..	3	15	4
Orange ..	2	12	1
Gillies ..	3	34	1
Sydney ..	17	10	1
Boremore ..	5	14	3
Two-miles Creek ..	6	24	0
Total ..	741	595	158

**ABSTRACT OF SALES BY AUCTION THIS DAY.**

[illegible]

which, like the last, contains a trade mark, and cigarette are of  
each lot. Head Office, Christiania Manufacturing, Lofoten  
Islands, Norway. London Office, 811, Oxford Street, 811  
all chemists and drug stores. -A.P.







**SPECIAL NOTICE**

**THE SPECIAL TRAIN** leaving Sydney Station at 10.45 a.m. **THIS DAY, FRIDAY**, will call at all intervening stations to take up intending visitors to the Sale.

**\*\*\* FREE. FREE. FREE.**

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**RICHARDSON AND WRENCH.**

**THIS DAY, FRIDAY.**

**GREAT LAND SALE.**

**ON THE GROUND.**

**PRINCE OF WALES' BIRTHDAY,**  
**THIS DAY, 23d NOVEMBER,**  
at 12 o'clock.

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**BY ORDER OF THE PROPRIETORS.**

**MOST EXTENSIVE**  
and  
**ATTRACTIVE**  
**PUBLIC LAND SALE.**

The well-known and beautifully situated  
on one of the

**MOST ROMANTIC**  
**CHARMING REACHES**  
of the  
**PARRAMATTA RIVER,**  
opposite **BYDIE**, and extending back to the  
**PARRAMATTA ROAD,**  
within 1 mile of the  
**ROCKWOOD RAILWAY STATION**  
by a good well-made road the whole distance, and only  
a mile by the new roads from **AUBURN RAIL**  
**WAY STATION.**

It comprises in all the  
**ENORMOUS AREA**  
of  
**2900 ACRES,**  
and has been most carefully subdivided into  
**CHARMING VILLA SITES,**  
many with  
**WATER FRONTAGES.**


in areas from  
ONE ACRE  
to  
TEN ACRES  
the whole of the tract being from 1 chain upwards in  
width, with several Ward Houses on the  
PARRAMATTA RIVER.

On portion of the Estate is the very commodious and  
stately Mansion known as  
NEWINGTON COLLEGE,  
and other buildings.

**R**ICHARDSON and WELCH have reserved in-  
structions to sell by public auction,  
ON THE GROUND,  
THIS DAY, FRIDAY, 9th NOVEMBER,  
at 12 o'clock,  
Portion of the above valuable and extensive Estate.  
\* \* \* A SPECIAL TRAIN will leave Sydney Station at  
10.45 am. THIS DAY, Friday, and stop at all inter-  
vening stations to take and deliver visitors to the sale.

FREE TRAIN.

LUNCHEON and REFRESHMENTS will be pro-  
vided.

 LITHOGRAPHES on the ground.

**\* TERMS—ONE-FOURTH DEPOSIT, and the residue in 1, 2, and 3 years, bearing interest at the LOW RATE of one cent.**  
**TO-MORROW (Saturday) AFTERNOON.**  
**CROYDON LAND SALE.**  
 THE PALMERSTON ESTATE,  
 a few yards from the  
**CROYDON RAILWAY STATION,**  
 will be sold  
**ON THE GROUND**  
**TO-MORROW (Saturday) AFTERNOON,**  
 at 3 o'clock.  
 It is subdivided into  
 FIFTY VILLA SITES,  
 with frontages to  
**ELIZABETH and UNDERWOOD STREETS,**  
 LEADING THROUGH GYFARRES  
 in this  
 HIGHLY IMPROVED RAILWAY SUBURB,  
 only sixteen minutes' run by train of the City.  
 \* \* POCKET LITHOGRAPHS now ready.  
**FREE TICKETS by 2.30 train TO MORROW'S**  
**AFTERNOON SALE** may be obtained at the Roomer

LUNCHEON and REFRRESHMENTS will be provided.

**TERMS VERY LIBERAL**—Our first cash deposit, residing 1, 2, and 3 years, interval 5 per cent.

**RICHARDSON and WRENCH, Auctioneers.**

**TWO COTTAGES, FLORA-STREET,  
NAGSHEAD ROAD, TO LET  
NEAR THE POST OFFICE.**

**NEWLY BUILT and  
REALIZING £17 PER ANNUM.**

**BOWDEN and MILLS** have been instructed by Mr. John M. Maitland to sell by auction, at the Land Sale Room, 11, St. Michael's, on **THURSDAY, November 16th, at 11.30 a.m.**

An allotment of land, having 61 rods frontage to Flora-street, by about 10 rods, and containing 10,000 square feet, with two cottages, each containing 4 rooms, with verandah in front, and kitchen. They are built of superior brick, and finished and on iron roof. There are two good wells of water.

These cottages are new erections, in a good position for letting, and a well-situated where property is rapidly increasing in value.

**Terms at sale. Title, Torrens' Act.**

**PUBLIC NOTICE**

TO MERCHANTS AND THE PUBLIC.

The undersigned, having liquidated the partnership hitherto existing between himself and Mr. Isaac Solomon, trading under the name of Solomon and Salom, begs to inform merchants and the public generally that it is his intention to continue in business as an AUCTIONEER, VALUATOR, and COMMISSION AGENT, under the name of

**MAURICE SALOM AND COMPANY,**

and having secured those extensive and centrally situated premises in the Village of New York, now in the occupation of Messrs. Gode, Towns, and Co., which will be adapted to meet the requirements of the trade, he is in the meantime taking the necessary steps, in connection with the above named firm, to enable him to enable him to conduct business as usual.

**MAURICE SALOM.**  
Adelaide, November 1, 1877.

ON FRIDAY, November 16.

At the Town Hall Exchange Room, Adelaide, S. A.

By order of the Mortgagee.

**SALE OF THE SHOONER LADY ST. AUBYN**

To Merchants, Shipowners, Speculators, and others.

**MAURICE SALOM AND CO.** are instructed to sell by

**YVE** public auction, at the Town Hall Exchange Room, Adelaide, S.A., on FRIDAY, November 16, at 12 o'clock.  
That well-known and excellent wine, the Lady St. Aubyn, as she now lies at Port Adelaide, together with its cargo of wine, for sale, as follows:  
She was built at Penzance in 1871, and is classed at Lloyd's Al for nine years, 150 tons register, 101 feet long, 25 1/2 feet beam, 7-1/2 feet depth, and 1000 bbls capacity for cargo deck to deck at midsips. She is an excellent sailing vessel, and has been constantly engaged in the Mauritius trade, and is now discharging her sugar cargoes in prime order and condition.

The Auctioneers can confidently call the attention of persons interested in the shipping trade to the above, as this vessel affords a good opportunity for purchasing a vessel in every way suitable for the Adelaide trade.

For particulars of terms and any other information, apply at the offices of the Auctioneers, CURRIE-STREET, Adelaide.

**IN THE LAND MARKET.**

King William-street, Adelaide.

**ON FRIDAY, 30th NOVEMBER, 1877, at 11 o'clock.**

**LAURENCE BUILDINGS, AND MACHINERY AT**  
**HINDMARSH, TOGETHER WITH A LARGE TRACT OF**  
**LAND AT EDITHBURGH, MINING SHARES,**

G. GREEN and CO. have received instructions from David G. Murray and James T. Turnbull, Trustees in an assigned estate, to offer, for positive sale, by auction at above—

**LOT 1.—THE TANNERY.**

All those Three Allotments of Land, Nos. 110, 112, 113, Hindmarsh, containing 1 acre 3 rods, 4 perches, with all the extensive and commodious buildings, mills, steam-engine, and fixed plant used in carrying on, with a well-wooded Tannery.



